

House File 2003 - Introduced

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BY PAULSEN

A BILL FOR

1 An Act requiring that county sheriffs be elected on a
2 nonpartisan basis and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.17, Code 2016, is amended to read as
2 follows:

3 **39.17 County officers.**

4 1. There shall be elected in each county at the general
5 election to be held in the year 1976 and every four years
6 thereafter, an auditor ~~and a sheriff~~, each to hold office for a
7 term of four years.

8 2. There shall be elected in each county at the general
9 election to be held in 1974 and each four years thereafter, a
10 treasurer, a recorder, and a county attorney ~~who shall~~, each to
11 hold office for a term of four years.

12 Sec. 2. Section 39.21, Code 2016, is amended to read as
13 follows:

14 **39.21 Nonpartisan offices.**

15 1. There shall be elected at each general election, on a
16 nonpartisan basis, the following officers:

17 ~~1-~~ a. County public hospital trustees as required by
18 section 347.25.

19 ~~2-~~ b. Soil and water conservation district commissioners
20 as required by [section 161A.5](#).

21 ~~3-~~ c. County agricultural extension council members as
22 provided in [section 176A.6](#).

23 ~~4-~~ d. Township officers as provided in section 39.22,
24 subsection 2.

25 2. There shall be elected in each county at the general
26 election to be held in the year 2016 and every four years
27 thereafter, on a nonpartisan basis, a sheriff, to hold office
28 for a term of four years.

29 Sec. 3. Section 69.14A, subsection 2, unnumbered paragraph
30 1, Code 2016, is amended to read as follows:

31 A vacancy in any of the offices listed in [section 39.17](#) or
32 in the office of sheriff shall be filled by one of the two
33 following procedures:

34 Sec. 4. Section 69.14A, subsection 4, Code 2016, is amended
35 to read as follows:

1 4. Notwithstanding [subsections 1 and 2](#), if a nomination
2 has been made at the primary election for ~~an~~ a partisan office
3 in which a vacancy has been filled by appointment, the office
4 shall be filled at the next general election, and not at any
5 special election in the same political subdivision.

6 Sec. 5. Section 97B.49C, subsection 1, paragraph e, Code
7 2016, is amended to read as follows:

8 *e.* "*Sheriff*" means a county sheriff ~~as defined in~~ elected or
9 appointed to that office as described in [section 39.17 331.651](#).

10 Sec. 6. Section 97B.49G, subsection 7, paragraph a,
11 subparagraph (3), subparagraph division (a), Code 2016, is
12 amended to read as follows:

13 (a) As a county sheriff ~~as defined in~~ elected or appointed
14 to that office as described in [section 39.17 331.651](#).

15 Sec. 7. Section 331.651, subsection 1, Code 2016, is amended
16 to read as follows:

17 1. The office of sheriff is ~~an~~ a nonpartisan elective
18 office. However, if a vacancy occurs in the office, the first
19 deputy shall assume the office after qualifying as provided in
20 this section. The first deputy shall hold the office until
21 a successor is appointed or elected to the unexpired term
22 as provided in ~~chapter 69~~ section 69.14A. If a sheriff is
23 suspended from office, the district court may appoint a sheriff
24 until a temporary appointment is made by the board as provided
25 in [section 66.19](#).

26 Sec. 8. Section 331.661, subsection 3, Code 2016, is amended
27 to read as follows:

28 3. The office of multicounty sheriff is created effective on
29 January 1 of the year following the next general election at
30 which the county sheriff is elected as provided by [this section](#)
31 and [section 39.17 39.21](#).

32 Sec. 9. IMPLEMENTATION — IOWA PUBLIC EMPLOYEES' RETIREMENT
33 SYSTEM. Notwithstanding the provisions of this Act amending
34 sections 97B.49C and 97B.49G, the definition of sheriff in
35 those sections shall include those persons who qualified as a

1 sheriff prior to the effective date of this Act.

2 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed
3 of immediate importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill provides that county sheriffs shall be elected
8 on a nonpartisan basis beginning with the general election in
9 November 2016. The bill also provides that vacancies in the
10 office of sheriff shall be filled in the manner provided for
11 partisan county offices.

12 The bill takes effect upon enactment.